

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL D. TARR, :
Plaintiff, :
v. : Civil Action No. 05-31J
THOMAS A. MANION and JOHN DOE, :
Defendants :

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

On August 23, 2006, the Magistrate Judge filed a Report and Recommendation, docket no. 16, recommending that the defendant's motion to dismiss, docket no. 5, be granted in part and denied in part.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No objections were filed, and the time to do so has expired.

After review of the record of this matter together with the Report and Recommendation, and noting the absence of objections thereto, the following order is entered:

AND NOW, this 26th day of September, 2006, it is

ORDERED that defendant's motion to dismiss, docket no. 5, is granted in part and denied in part as set forth in the Report and Recommendation, which is adopted as the Opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", is written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to:
counsel of record